Sectt. II-29—25,503—6-18-24.

Revenue (1925—) Department.

ordinary SERIES.

G.O. No. 1534. Mis

DATED 5th October 1925

[Despatch Abstract.]

[illegible] (Miller) [illegible] portion of the [illegible] by [illegible] Journal—Municipal Journal—[illegible] enclosed.

C.F. 31—1c 138—8-5-24.

DEPARTMENT.

CURRENT No. 1951 E

Received ..... 192 . *Registered* 28/5/25 192 .

ASST. SECRETARY TO GOVT. REVENUE DEPARTMENT 25 MAY 1925

Subject.

ALIENATION - Land (Bellary) - Bellary Town Portion of the site occupied by the Lingayat Hostel - Encroachment by the Municipal Council - Recommended.

*****

ENCLOSURES.
No. .....
.....
Spare copies .....

Reference No. C 413-25-3,

Station Madras., *Dated the* 23rd May 1925. 192 .

From

W.Scott Brown Esq.,I.C.S.,
Secretary. Land Revenue and
The Board of Revenue, ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

P.L.Moore Esq.,C.I.E.,I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
Reference.

*****

Read the following papers:-

Letter from M.R.Ry. N.Narayana Rao Garu, B.A., B.L., F.M.U., Chairman, Municipal Council, Ref. S.C.R.No.398/23 dated 15-1-1925.

*****

II.

Letter from A.C.Duff Esquire I.C.S., Collector of Bellary Ref. C.No.497/25 A1, dated 4th February 1925.

III.

Letter from A.C.Duff Esquire I.C.S., Collector of Bellary Ref. on C.No. 497/25 A-1, dated 6th May 1925.

*****

REFERENCE.

(4)

In G.O. No. Press 2957, Revenue, dated 20-9-1917 the

The lands forming the abandoned Agricultural Farm, Bellary, were alienated to the Municipal Council, Bellary for extension of houses sites. The alienation was subject to the payment of ground rent but free of all other charges in consideration of the fact that the Council had to incur a large outlay in the shape of providing roads, side drains and wells.

2. At the time of laying out the land into plots, a bit of the adjoining poramboke, S.No.432-2-C measuring 45 cents was included in the area laid out and sold by the Council for Rs. 188-4-0 subject to payment of ground rent under the impression that it formed part of the agricultural farm. The purchaser has built a hostel on the site. The encroachment was recently noticed by the Revenue Inspector and the Collector has ordered that the Tahsildar should take steps to sell the land to the owner of the building under B.S.O. 21, Para 14 (ii). The Municipal Council has appealed against this order and requests that the bit may be alienated to it under conditions similar to those imposed in the case of the agricultural farm lands in view of the facts, (1) that the land was sold by it under the bona fide impression that it formed part of the farm land alienated to it and (2) that a building has already been erected on it - Vide copy of the Chairman's letter (enclosed).

The Board does not consider it worthwhile to collect the value of the 45 cents forming the encroachment when such a large extent as Acs.71.68 has been given over to the Council free of value. It deems it expedient and equitable to alienate the bit to the Council subject to the terms on which the main block was alienated, and subject to the payment of ground rent for back faslis and solicits orders accordingly.

for Secretary.

To the Second Secretary to Government with a copy of the Chairman's letter and enclosures.

S.M. 25/5.

A. P. B.—500-6-24. 3 Phone No. 23

EXTRACT FROM PROCEEDINGS OF THE MUNICIPAL COUNCIL, BELLARY.

ASSISTANT SECRETARY TO GOVT. 7 MAY 1925 REVENUE DEPARTMENT

Dated.....18th Dec.....192 4.

Read:— 21. Proceedings C. 0604/24 dated 3-12-24 of the Collector of Bellary declining to alienate the extent of 45 cents encroached upon by the Municipality in the realignment of the abandoned agricultural farm.

Resolution:-

The Council requests the Board of Revenue to alienate the 45 cents of land which has been sold away by the Council on the bonafide belief that it was its property.

(sd) N. Narayana Rao,

Chairman, M.C.

(True Extract)

G. Shivarudrappa

Vice-Chairman.

5/1.

9/1/25

6.1.25

4

Copy of the letter No. G.C.R. 1260 dated 10-8-24 from the Chairman, Municipal Council, Bellary to the Revenue Divisional Officer, Bellary:-

In returning herewith your foot note N.Ref:C.No.1020/23-A-2 dated 25-2-24, I have the honour to state that it is only on receipt of your reference it is found that the Municipality has encroached upon the site pointed out by you. It is not known under what circumstances the encroachment has been caused. Plots Nos. 1 and 2 of the abandoned agricultural farm in which the said encroachment lies now stand in the name of the proprietor of the Lingayet Hostel who has applied to you for the grant of a piece of Government poramboke quite adjoining the hostel for recreation purposes for the use of the Lingayet students who lodge in the hostel. Buildings have been raised on these ~~ten~~ two plots. In the circumstances I request that the portion encroached upon may be alienated in favour of the Municipality on the same terms under which the abandoned agricultural farm has been ~~handed~~ made over to the Municipality as the portion encroached upon cannot be given back to the Revenue authorities in the circumstances stated above. If it is desired that a resolution of the Council should be obtained in the matter and submitted I shall do so. The tracing plan of the Municipality received with your reference is retained in this office as it belongs to the Municipality.

Copy of D.Dis:C.4150/23-A.I dated the 11th September 1924 from the Collector of Bellary to the ~~President~~ Chairman, Municipal Council, Bellary:-

Proceedings of the Collector of Bellary:-

Alienation-land-Bellary Taluq-Bellary Town-play ground for Togari veerappa's Hostel students. Bellary D.O's N.Dis:C.1020/23.A2/27-8-24.

O R D E R.

The land applied for for the play ground forms part of S.Nos: 432/2 c and 432/3. S.No. 432/2c is a Government poramboke S.No.432/3 ~~is Municipality xxxx the portion lying x~~ is the abandoned agricultural farm alienated in favour of the Bellary Municipality. The portion lying in the Government poramboke cannot be alienated for a play ground. The students of the hostel may however use it. In respect of the portion lying in S.No.432/3 the President of the Madras Veerasaiva Vardhaka Sangha must make his own arrangements with the Municipality.

During identification of the land applied for by the President of the Sangha it has been found out that a portion of the hostel building measuring about 45 cents lies in Government poramboke S.No.432/2c.

This extent was by mistake sold to the Proprietor of the Hostel by the Municipality as part of the agricultural farm. The Chairman, Municipal Council requests that this area may be alienated in favour of the Municipality. This request cannot be complied with. As a building has already been raised on ~~the~~ it, the Tahsildar will take steps to dispose of the site under town site rules B.S.O.21 paragraph 14(ii). The President of the Sangha may obtain refund of the amount paid by him to the Municipality for the site.

Copy of the remarks of the Municipal Overseer:-

A triangular portion E.F.G. measuring 179 links on west, 717 on North and 697 on South has been found to be an encroachment. I am unable to explain how it ~~has~~ was encroached upon as I was not in Municipal service when the plots were formed and sold. The present features show the encroachment. It lies in plots 1 and 2 and covers an area of 45 cents as pointed out by the Revenue authorities. Plot No. 1 is 49 cents and No.2 is 49 cents in area. The total area of these two is 98 cents. Out of this area, the encroached portion is 45 cents. The cost of 98 cents as per sale effected on 9-12-18 is Rs.410/-. Now the cost of 45 cents is Rs.188-4-0. As the portion was already sold and the buildings erected on it, it is ~~re~~ reasonable that the Revenue authorities may be requested to make over the encroached portion also to the Municipal Council on condition of paying its cost of Rs.188-4-0 realised already. S.No.432/2 was never vested in the Municipality. The above encroachment is a portion of this.

Copy of the Proceedings of the Municipal Council, Bellary dated 10th November 1924:-

Read:-

7. Proceedings D.Dis:C.4150/23-A-1 dated 11-9-24 of th Collector of Bellary declining to alienate in favour of the Municipality, the extent 45 cents said to have been encroached upon by t Municipality out of the Government poramboke bearing S.No. 432/2c adjoining the abandoned agricultural farm.

Also office note that the portion encroached upon lies in in plots Nos: 1 and 2 of the agricultural farm which are registered in the name of Proprietor, the Lingayet Hostel which are 49 cents in extent each and were sold for Rs.210/- and 200 respectively.

Resolution:-

The Council requests the Collector to alienate the site of 45 cents encroached upon by the Municipality on the Government poramboke as the Municipality has sold it on the bonafide belief that it was their property and as consequently the alience has raised a building over the said site.

6

Copy of the letter G.C.R.No. 1260 dated 13-11-24 from the Chairman, Municipal Council, Bellary to the Collector of Bellary:-

Refering to your proceedings D.Dis:C.4150/23-A-1 dated 11-9-24 I have the honour to forward herewith a copy of Council's resolution No. 7 dated 10-11-24 and to request that you will be so good as to grant the portion of land encroached upon and over which a portion of the building has been raised by the Proprietor, Lingayet Hostel.

N.B: The resolution is on page 2.

Copy of the proceedings C.6664/24-A-1 dated the 3rd December 1924 from the Collector of Bellary to the Chairman, Municipal Council, Bellary:-

Alienation-land and land Revenue-Bellary Town Lingayet Hostel encroachment-reconsideration of orders passed refused.

Letter from the Chairman, M.C. Bellary Ref:C.R.1260/15-11-24.

O R D E R.

The Municipal Council has sold land that is not theirs to sell. Alienation of the land after sale cannot be considered. The orders already passed in D.Dis:C.4150/23 dated 11-9-24 will stand.

The President of the Lingayet Sangham can recover the sum paid to the Municipal Council and the Tahsildar can grant the site encroached on under town site rules.

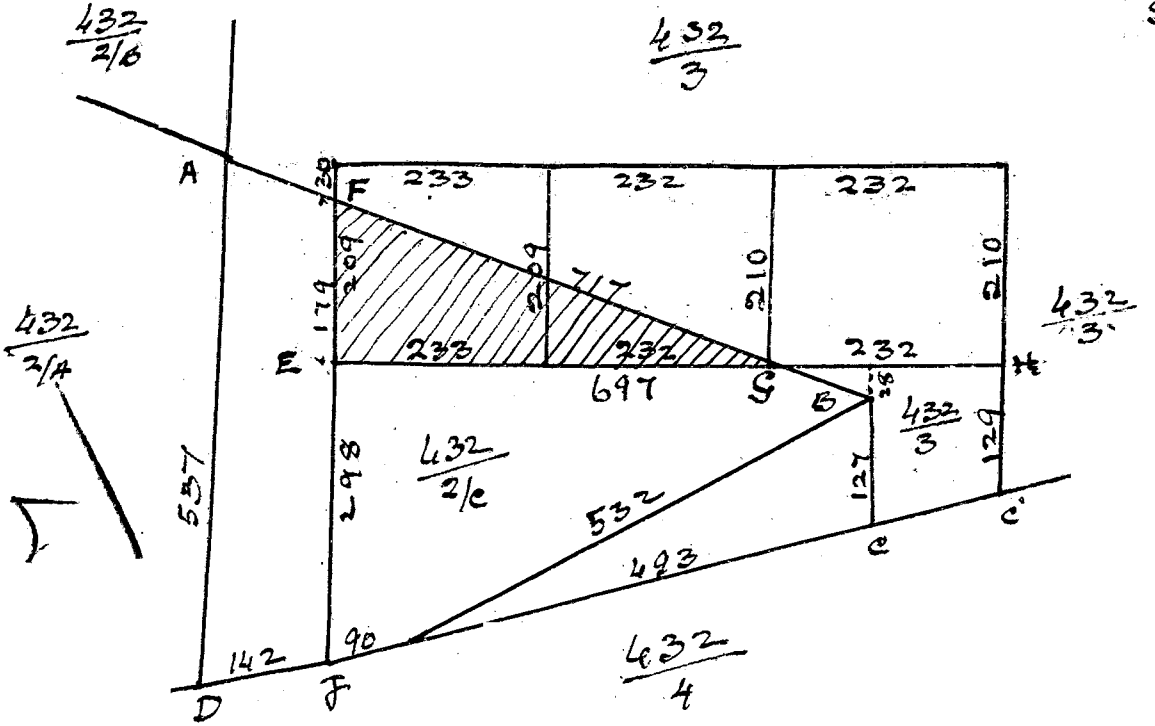
7/1.

G. Hiremallappa
Vice-Chairman.
9/1/25
9-1-25

Sketch of S. No $\frac{432}{2/e}$

Scale $\frac{1}{2}$" = 1 chain.

Area of Encroachment EFG is 45 Cents



Ramalingaswamy Rao

Surveyor

14-1-25

Narayana Rao

Chairman U.C. Vth

Asst. Mr. C. Balaiah

Lots & Lands

8

Copy of letter from M.R.Ry. N.Narayana Rao Garu B.A.,B.L. F.M.U., Chairman, Municipal Council/Ref. S.C.R.No.398/23 dated 15-1-1925.

*****

In submitting herewith a copy of the correspondence between this office and the Revenue department in respect of a piece of Government poramboke encroached upon by the Municipality by oversight during the realignment of the abandoned agricultural farm which has been alienated in favour of the Municipality by the Government in their No.2957 Revenue, dated 20th September 1917, I have the honour to request that the Board will be pleased to alienate in favour of the Municipality the portion encroached upon by bonafide mistake for the chief reason that the portion encroached has been sold and a building has already been raised thereon.

A copy of the Council's proceedings No. 21 dated 18th December 1924 requesting the Board in the matter is also submitted herewith.

A plan of the encroached site is hereto appended.

*****

Rev

1951 E 25

Alienation — land - Bellary Town - Site occupied by the Lingayat Hostel Municipal Council Bellary

Board of Rev dRts: Rep: C 413-25-3
23.5.25

To undersecy

Please see the Board's Rep. in pages 1-2 c/f.

The question for consideration is whether the sale price of the 4.5 Cents of land viz Rs 188-4-0 should not be recovered from the Municipality and credited to general revenues.

The Board of Rev considers it not worthwhile to so recover it when such a large extent as acres 71-60 has been given over to the Council free of value under G.O 2954 Rev dy 20.9.17. which were divided into plots and sold by the Council In case the Board's view is approved the draft is put up for approval

The Municipal Council may be required to pay the Govt. ground rent assessment on the land from the date of the application

(H)

which it was sold to the Hostel Committee

The draft order may be sent to L&G and Finance for acceptance

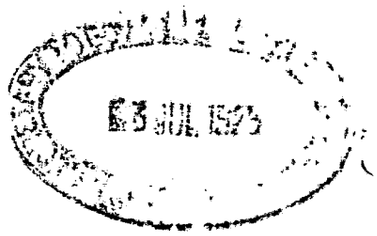
Ag
27/6/25

Revenue may accept L Board recommendation

8x
29/6/25

[illegible]
30/6

L&G
Finance } for Secy



Rev no 1951 E 25.1
3.7.25

18985

Secy 6th ult for C.E.

CEE
6/7/25

Accepted
7000
9/7
13.7.25

Finance (Accts)

The draft order may be accepted in Finance

20.7.25 20.7.25

Rev

Rev 25/01
23/7/25

Accts
25080 accts
15-7-25

25080 Accts
23.7.25

Rev

Tondeedey

The draft order may issue

Re
27.7.25

S.W.
28/7/25

My Dear
Yours [illegible]
28/7

S

[illegible]

10 Tondeedey.

(H) Please see the Board's Rep at pages 1-2 cf.
In Govt No 29.57 Rev Dy 20.9.1917,
the Govt sanctioned the alienation
subject to payment of ground-rent
of 71.68 acres of land in the abandoned
agricultural farm at Bellary to the
Municipal Council Bellary for
extension of Housesites = In making
the alienation, the Govt have
expressly stated that it was
their intention that the Municipal
Council should either sell or

lease the house sites subject to such ground-rent as it considers appropriate both the sale proceeds and the rents paying itself to Govt a ~~lump~~ ground-rent of Rs 12-8-0 an acre on the area occupied by houses

~~It was~~ While laying out the lands alienated to the Council under the above condition, ~~that~~ the Council ~~inadvertently~~ included by mistake 2 Cents of S.No. 432-2C (Govt Pramboke) in the area laid out ~~out~~ ~~which~~ was sold for Rs 188-4-0 which the Council wants to appropriate in accordance with the principle above mentioned.

~~It is for consideration whether the~~ Govt may agree to alienate this plot also to the Council on the same conditions

Submitted for orders whether orders may issue on the lines of the second sentence of the Secretary's note at page 3 above. After orders are passed a revised draft order will be submitted

8/8/28

10/8/28

H 4 of Ors dated 25.6.14 (H)

G.O. 2957 - (H)
20/9/17

I cannot make out from the papers in Flag H on what principle the assignment of the land to the Municipal Council was made.

But perhaps Government need not object to following the precedent in respect of the small area of 45 cents sold by mistake.

Ai 24.9.25
C.1.B.
R. 28/9.

C_2 Japee 26/9/25

28/9

To Undersecy

Draft orders as this case already approved draft order below may now issue

28/9/25

28/9/25

28/9

5/10/25

Sectt. M-10 (a)—36,502 27-11-23. (6)

DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined	6-10-25	
When signed		
When despatched		

READ AGAIN G.O. No 2957 Rev dated 20 9 1927.

" " " " " 192

READ ALSO:—

C. No. 19511 From the Board of Revenue, No. C 413/25-3, dated 23. 5 1925.

" " " " " 192 .

" " " " " 192 .

ORDER.

No. 1534, dated 5-10-25

In the circumstances recommended by the Board of Revenue, the Government sanction the alienation of a plot of land measuring 4.5 Cents in S.N.C. 432-2C. in Bellary town, Bellary Dt, in favour of the Municipal Council, Bellary.

2 The alienation will be free of charge on account of the occupancy right and subject to a ground-rent of Rs 12-8-0 per acre which will be

liable to revision at future resettlements subject to the further conditions laid down in G.O. No. 29 S.Y. Rev. Dy. 20.9.1917.

5. The Agricultural assessment on the land should be recovered from the Municipal Council from the Fasli in which the land was sold to the Lingayat Hostel

R 1/7

Dy 3/7/17

to Board's Rev. dept.

d. S.L.

Mo 11/6/25

SD 29/6/25

(Two) 6/7/25